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REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the amendments made above and the remarks that follow. The indicated allowability of claims 6-8, 12-14 and 18-20, if rewritten to overcome the rejection under 35 USC 112 and to include all the limitations of the base claim and any intervening claims, is acknowledged.

The claims have been amended to correct the informalities noted by the examiner, and are believed to now comply with the requirements of 35 USC 112. New independent claims 21, 22 and 23 have been added to claim the subject matter of claims 6, 12 and 18, respectively, indicated by the examiner as being drawn to allowable subject matter.

In addition, original independent claims 1, 9 and 15 have been amended to define the end panels as remaining substantially planar during and after the folding operation to interlock them together. In this regard, the present invention comprises a carton, a blank and an end closure system, wherein end panels are foldably joined to side panels and are adapted to be folded inwardly to close an end of the carton. The end panels each has a pair of notches formed in a free edge opposite its folded connection with a side panel, and when the end panels are folded inwardly over the end of the carton the notches in the free edge of one end panel interlock with the notches in an adjacent end panel to form a double-notch locking arrangement. As noted, the end panels are substantially planar during and after the folding operation.

In contrast, the notches in at least some of the end panels in Straub and Blasdell form bendable tabs (34 in Straub, and 6, 7 and 15, 16 in Blasdell) that are bent out of the plane of the respective end panel for insertion into a slot formed by opposing notches in adjacent end panels. Although each of the end panels in these two patents do have a pair of notches formed in them,

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the structure, interlocking action, and mode of operation of the locking panels is completely different than in the present invention as claimed.

Accordingly, it is believed that the claims as now amended are patentable and allowable over the art of record.

All of the claimed limitations are not found in the prior art. For anticipation under 35 USC 102, all the claimed limitations must be present in the reference.

Moreover, it would not be obvious to combine the references to produce the claimed invention. There simply is no teaching in the references of the claimed structure, nor any suggestion or motivation for making the necessary modifications. Even if the notches of Blasdell were modified to give them a tapered shape in view of the teaching of Straub, the claimed invention would not result.

To establish obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

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If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, or require a substantial reconstruction and redesign of the elements shown in the primary reference, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 122 USPQ 349 (CCPA 1959).

Respectfully submitted,
Dennis H. Lambert & Associates



Dennis H. Lambert
Reg. No. 25,017

DHL:cal

Dennis H. Lambert & Associates
7000 View Park Drive
Burke, Virginia 22015
Tel: 703-451-1227
Fax: 703-451-1297